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Control: 676

Rec'd: APR 1, 1959
2:58 P.M.

FROM: BONN

TO: Secretary of State

NO: 2185, APRIL 1, 7 P.M.

PRIORITY

DECLASSIFIED

AD 901079
HR-m/SG 5/23/91

SENT DEPARTMENT 2185, REPEATED INFORMATION PRIORITY BERLIN 750,
LONDON 553, MOSCOW 253, PARIS 752.

PRIORITY SENT USAFE ADVON 26 CINCUSAFE 406 USAREUR 522
BY OTHER MEANS

PARIS FOR EMB, USRO, CINCEUR, THURSTON, WEST

REF (A) BERLINTEL 741 TO BONN 829 DEPT., MARCH 30
(B) DEPTTEL 2293 TO BONN, MARCH 30

1. FOLLOWING IS EMBASSY DRAFT REPLY SOVIET PROTEST RE HIGH
ALTITUDE FLIGHTS. UPON RECEIPT ADDRESSEE'S COMMENTS AND
DEPT'S CONCURRENCE, EMBASSY WILL COORDINATE FINAL DRAFT WITH
BRITISH AND FRENCH.

QUOTE REFERENCE IS MADE TO SOVIET PROTEST OF MARCH 27 CONCERNING
THE FLIGHT OF THE C-130 AIRCRAFT TO AND FROM BERLIN.

THE US ELEMENT REJECTS THE SOVIET CONTENTION THAT FLIGHTS AT
HIGH ALTITUDES ARE PRECLUDED BY REGULATIONS COVERING FLIGHTS IN
THE CORRIDORS, NOR DOES IT AGREE THAT THE FLIGHT OF THE C-130
AIRCRAFT, DULY NOTIFIED TO THE SOVIET ELEMENT IN ACCORDANCE
WITH ESTABLISHED PRACTICE, CONSTITUTED A VIOLATION OF PRESENTLY
EXISTING RULES. AS STATED IN THE LETTERS FROM THE US CONTROLLER
TO THE SOVIET CONTROLLER OF JUNE 6 AND SEPTEMBER 8, 1958,
WE DO NOT RECOGNIZE ANY LIMITATION TO THE RIGHT TO FLY AT ANY
ALTITUDE. FURTHERMORE, REGULATIONS DO NOT REQUIRE THAT DIFFERENT
PROCEDURES BE FOLLOWED FOR DIFFERENT FLIGHT ALTITUDES. IN
OUR JUNE 6 LETTER WE POINTED OUT THAT THE ALTITUDE AT WHICH

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-2- 2185, APRIL 1. 7 P.M., FROM BONN

AIRCRAFT FLY IS DETERMINED IN ACCORDANCE WITH THE METEOROLOGICAL CONDITIONS PREVAILING AT THE TIME AND THE OPERATIONAL CHARACTERISTICS OF THE AIRCRAFT. IT SHOULD BE NOTED IN THIS CONNECTION THAT TECHNOLOGICAL DEVELOPMENTS CALL FOR THE USE OF HIGHER FLIGHT ALTITUDES, AND IMPROVED AIR NAVIGATIONAL FACILITIES AND PROCEDURES PROVIDE ADEQUATE SAFETY FOR SUCH FLIGHTS.

ON THE OTHER HAND, THE DELIBERATE HARRASSMENT OF THIS FLIGHT BY SOVIET AIRCRAFT, REFERRED TO IN OUR PROTEST OF MARCH 29, CONSTITUED NOT ONLY A SERIOUS VIOLATION OF CORRIDOR REGULATIONS, BUT INTENTIONALLY CREATED THE VERY HAZARD TO FLIGHT SAFETY ABOUT WHICH THE SOVIET ELEMENT HAS EXPRESSED CONCERN. WE FULLY APPRECIATE THE IMPORTANCE OF AND OUR MUTUAL INTEREST IN THE SAFETY OF FLIGHT THROUGH THE CORRIDORS.

THE CONDITIONS FOR FLIGHT SAFETY CAN BE MET IF THE SOVIET AUTHORITIES WILL ACT IN ACCORDANCE WITH ESTABLISHED PROCEDURES AND SEPARATE THEIR AIRCRAFT FROM WESTERN FLIGHTS NOTIFIED TO THEM. IN REFERENCE TO THE PARTICULAR FLIGHT INVOLVED, THE FLIGHT PLAN WAS PASSED TO THE SOVIET ELEMENT IN BASC OVER ONE HOUR PRIOR TO THE ENTRANCE OF THE AIRCRAFT INTO THE CORRIDOR, THUS PROVIDING AMPLE TIME TO NOTIFY AIRCRAFT LIKELY TO BE IN THE VICINITY AS IT PASSED THROUGH.

THE US ELEMENT MUST THEREFORE REJECT AS UNFOUNDED THE SOVIET CONTENTION THAT ANY US VIOLATION OCCURRED. FURTHERMORE, THE US ELEMENT CONSIDERS THE IMPLIED THREAT CONCERNING "UNDESIRABLE CONSEQUENCES" ENTIRELY UNWARRANTED UNDER THE CIRCUMSTANCES AND DELIBERATE HARRASSMENT DOES NOT CONTRIBUTE TO THE FURTHERANCE OF FLIGHT SAFETY IN THE CORRIDORS. MOREOVER, US AIRCRAFT WILL CONTINUE TO FLY THROUGH THE CORRIDORS AT WHATEVER ALTITUDE IS CONSIDERED APPROPRIATE, AND WITH DUE NOTIFICATION TO THE SOVIET ELEMENT AS IN THE PAST. UNQUOTE

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-3- 2185, APRIL 1, 7 P.M., FROM BONN

2. RE POINT 6(A) OF REFTEL (B) , EMBASSY BELIEVES REPLY SHOULD BE LIMITED TO POSITION TAKEN IN SOVIET WRITTEN PROTEST AND NOT ON SOVIET CONTROLLER'S ORAL COMMENTS.

3. RE POINT 6(B), IFR FLIGHT PLAN FILED FOR BOTH IN AND OUT FLIGHT, EVEN THOUGH VMC CONDITIONS PREVAILED. USAFE MAY WISH CONSIDER FILING VFR PLAN FOR A SUBSEQUENT FLIGHT.

4. RE POINT 7, BELIEVE SUGGESTED REPLY ADEQUATELY COVERS THESE POINTS AND THAT WE SHOULD NOT RPT NOT DEVIATE AT THIS TIME FROM POLICY OF NOT CITING SPECIFIC DOCUMENTS.

TIMBERLAKE

UE/22

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